

**REMARKS**

Claims 1 and 6-39 remain pending in this application. Claims 1 and 6-18 are allowed. Claims 19-39 are rejected. Claims 2-5 are previously cancelled. Claim 37 is amended herein to correct a typographical error.

In preparing this response it was discovered that the substitute specification filed August 13, 2003, contained typographical errors resulting from word processing format conversions wherein certain Greek letters were changed to other characters. The present specification amendments to the substitute specification correct these errors. No new matter is entered as the errors were obvious viewed in light of the originally filed specification. In order to facilitate publication of the patent to issue, a clean type version of the paragraphs are presented in Appendix A of the amendment.

**CLAIM OBJECTION**

Claim 37 is objected to due to a typographical error introducing the word "the" where it was unnecessary. The word is now deleted. Withdrawal of the objection is respectfully requested.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH,  
DESCRIPTION REQUIREMENT**

Claims 19-39 are rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter lacking an adequate written description in the specification. Applicant herein respectfully traverses this rejection. The Office Action states that the following subject matter a written description in the specification:

a controller responsive to said throttle setting, said steering setting, and a selected one of said characteristic setting values for controlling said first and second drive sources, said controller respectively controlling velocities of said first and second drive sources to correspond to the steering velocity ratio based on said steering setting and said throttle setting in accordance with one of said steering characteristics corresponding to said selected one of said characteristic setting values.

The description requirement of the first paragraph of 35 U.S.C. § 112 functions to ensure that the inventor had possession of the subject matter later claimed. How the specification satisfies this requirement is immaterial. It is not necessary that the application describe every claim exactly, but only so much that persons of ordinary skill in the art will recognize from the disclosure that the applicant invented the subject matter with the claimed limitations. *In re Wertheim*, 541 F.2d 257, 191 USPQ 90, 96 (CCPA 1976). In other words, the claimed subject matter need not be described in *haec verba* in the specification in order for

the specification to satisfy the description requirement. *In re Wright*, 866 F.2d 422, 9 USPQ2d 1649 (Fed. Cir. 1989). Therefore, a determination of fulfillment of the description requirement under § 112, first paragraph, turns on whether those skilled in the art would understand what is claimed when the claim is read in light of the specification. *Orthokinetics Inc. v. Safety Travel Chairs Inc.*, 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986).

The present invention provides a remote control vehicle wherein the steering characteristic is adjustable based upon characteristic value settings entered by a user using the transmitter. These characteristic value settings in the disclosed embodiment take the form of values entered for the front and rear suspension parameters, SUS F and SUS R. Subst. Spec. pages 27 and 28.

In the present embodiment eight levels may be chosen from for each setting. Subst. Spec. page 28. Based upon these settings a first steering characteristic curve is selected, of which two extreme examples are illustrated in Fig. 12A. The first characteristic curves determine the correspondence between the car speed  $V$  and the limit on the speed ratio (LIMIT SPEED RATIO  $R_{vlim}$ ) used to effect turning. Subst. Spec. pages 31 and 32. The first steering characteristic curve selected is determined upon the positive and negative differences of the front and rear suspension values  $\Delta$  SUS. The “characteristic setting values” of the claim correspond to the  $\Delta$  SUS values determined by the

parameters entered by the user. By entering the parameter values for the suspension, SUS F and SUS R, “a selected one of said characteristic setting values” is determined.

From the  $\Delta$  SUS value the controller determines which one of the steering characteristics determined by the curves of Fig. 12A, two of which are shown in Fig. 12A as examples, is to be used in selecting a LIMIT SPEED RATIO at any given CAR SPEED V in controlling the steering. The controller then uses the first steering characteristic curve corresponding to  $\Delta$  SUS to find a LIMIT SPEED RATIO which in turn is used to determine a range of operation of a second steering characteristic curve shown in Fig. 12B. This curve determines the “steering velocity ratio” of the claim which dictates the “velocities of said first and second drive sources” in accordance with the “steering setting,” shown as STEERING OPERATING ANGLE  $\theta$  in Fig. 12B. Subst. Spec. pages 33-35. Of course, the limit speed ratio is just an example of a variable which can be used to define a range of operation of the second steering characteristic curve.

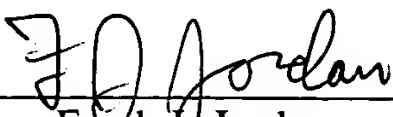
In summary, the “steering characteristic” referred to in the claim reads on the characteristic determined by the combination of the first steering characteristic curve of Fig. 12A and the second steering characteristic curve of Fig. 12B. The “characteristic setting value” correspond to a range of possible  $\Delta$  SUS values used to select a curve in Fig. 12A. The “throttle setting” of the claim correspond to the


CAR SPEED V abscissa value used to find the LIMIT SPEED RATIO  $R_{vlim}$  which determines the range of the second characteristic curve of Fig. 12B. The claimed "steering setting" is then used to find the SPEED RATIO  $R_v$ , corresponding to "the steering velocity ratio" of the claim, using the second characteristic curve of Fig. 12B.

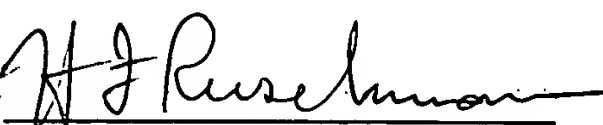
Therefore, in view of the above, it is respectfully submitted that one skilled in the art would readily recognize the claim invention as being described in the specification and, accordingly, reconsideration of the rejection of claims 19-39 is respectfully requested. Should such objection and rejections be maintained, it is requested that the Examiner explain the grounds for the objection and rejections, addressing the above remarks, to comply with satisfying the burden of the PTO in asserting the rejection. "The burden of showing that the claimed invention is *not* described in the application rests on the PTO in the first instance, and it is up to the PTO to give reasons why a description not in *ipsis verbis* is insufficient." *In re Edwards, Rice, and Soulen*, 196 U.S.P.Q. 465, 469 (CCPA 1978) citing: *In re Salem*, 553 F.2d 676, 682, 193 USPQ 513, 518 (CCPA 1977); *In re Wertheim*, 541 F.2d at 265, 191 USPQ at 98.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By   
Frank J. Jordan  
Reg. No. 20,456  
Attorney for Applicants

 and,

By   
Herbert F. Ruschmann  
Reg. No. 35,341  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340